

Official Report

PROCEEDINGS AND DEBATES OF THE NATIONAL ASSEMBLY OF THE FIRST SESSION (2006-2011) OF THE NINTH PARLIAMENT OF GUYANA UNDER THE CONSTITUTION OF THE CO-OPERATIVE REPUBLIC OF GUYANA HELD IN THE PARLIAMENT CHAMBER, PUBLIC BUILDINGS, BRICKDAM, GEORGETOWN

154TH Sitting

Thursday, 2ND June, 2011

The Assembly convened at 2.08 p.m.

Prayers

[Mr. Speaker in the Chair]

ANNOUNCEMENTS BY THE SPEAKER

Mr. Speaker: Hon. Members, I would like to remind you of the meeting of the Special Select Committee on Criminal Responsibility of HIV Infected Individuals according to Resolution No. 129/2010, is to be held tomorrow at 3:00 p.m. in Committee Room No. 1. That is just a reminder to all the Hon. Members. The Members of that Committee are:

- Hon. Dr. Leslie Ramsammy
- Hon. Dr. Jennifer Westford
- Hon. Dr. Frank Anthony
- Hon. Mr. Manzoor Nadir
- Hon. Dr. Vishwa Mahadeo
- Hon. Dr. Rev. Kwame Gilbert
- Hon. Dr. George Norton
- Hon. Mrs. Volda Lawrence
- Hon. Ms. Africo Selman

- Hon. Mr. Everall Franklin.

Thank you

REPORTS FROM COMMITTEES

The following Reports were laid:

(1) Minutes of the proceedings of 23rd Meeting of the Committee of Selection held on 25th May, 2011

[The Speaker]

(2) Second Periodic Report of the Parliamentary Sectoral Committee on Foreign Relations

[Ms. B. Shadick]

Mr. L. Carberry: Mr. Speaker, in the absence of Ms. Volda Lawrence I was asked to ask that the Report of the Public Accounts Committee of the National Assembly on the Public Accounts of Guyana for the years of 2007 and 2008 be delayed.

Mr. Speaker: Mr. Carberry, you should also ask that the Minutes of the Public Accounts on the examination of the Public Accounts for 2007 and 2008 be delayed.

Mr. Carberry: Yes. Thank you, Sir.

Mr. Speaker: Thank you

MOTIONS RELATING TO THE BUSINESS OR SITTINGS OF THE NATIONAL ASSEMBLY AND MOVED BY A MINISTER

SUSPENSION OF STANDING ORDERS NO. 13 (n) and NO. 54

“Be it resolved, that Standing Orders NOS. 13 (N) and 54 be suspended to enable the Assembly to proceed with the introduction of Financial Papers No. 1/2011 and No. 2/2011.”

[The Minister of Home Affairs]

PUBLIC BUSINESS

GOVERNMENT BUSINESS

MOTION

Mr. Speaker: Hon. Members, there are two Financial Papers. The Assembly will now resolve itself into Committee to consider Paper No. 1/2011.

Assembly in Committee

“Be it resolved that this National Assembly approves of the proposal set out in Financial Paper No. 1/2011 – Supplementary Estimates (Current and Capital) totalling \$1,978,210,661 for the period ended 31st December, 2011.” [*Minister of Finance*]

Agency: 04 Ministry of Foreign Affairs

Current Expenditure

Programme: 041 – Ministry Administration - \$20,450,000

Leader of the Opposition [Mr. R. Corbin]: Your Honor, regarding this sum of \$20 million, it is commendable that we could find the resources. Can the Hon. Minister explain how this assistance is being dispersed? Can she say whether it is being done through an international agency such as the United Nations or whether it is being done directly? We have no problem on an amount being provided for assistance to Japan, a country that has rendered assistance to Guyana in the past. We want to know how it is being done. Could we have some information on this amount for the earthquake assistance?

Minister of Foreign Affairs [Mrs. Rodrigues-Birkett]: Thank you, Mr. Chairman. Thank you, Mr. Corbin, for the question. The Japanese Government provided us with a bank account for the Japanese Red Cross and we have since transferred the money to that account and informed them accordingly.

Mrs. Holder: May I ask a supplementary question Mr. Chairman?

Mr. Chairman: Yes

Mrs. Holder: I would like to ask the Hon. Minister how the amount was arrived at. Was this specific amount requested?

Mrs. Rodrigues-Birkett: Thank you Ms. Holder. The Japanese Government would never request an amount from us. We looked at what we had provided to other countries in the past and we came up with this amount. As you would know, we have provided assistance to Haiti, Pakistan, St. Vincent and St. Lucia, and we felt that this is an amount that we can afford at this time.

Mrs. Holder: May I ask another question. Did you target a specific area for special attention?

Mrs. Rodrigues-Birkett: No, we did not target a specific area. The Japanese Government informed us that they have all faith in their Red Cross and provided us with that account number, and so we expect that they spend this very wisely, and we know they will.

Programme: 041 – Ministry Administration - \$20,450,000 agreed to and ordered to stand part of the Estimates.

Agency: 13 Ministry of Local Government and Regional Development

Programme 133 – Regional Development - \$27,248,537

Programme: 133 – Regional Development - \$27,248,537 agreed to and ordered to stand part of the Estimates.

Agency 21 – Ministry of Agriculture

Programme 211 – Ministry Administration – \$35,974,300

Mr. M. Williams: Mr. Chairman could the Hon. Member, or his representative, tell the National Assembly what is the nature of the assistance to the National Agricultural Research and Extension Institute (NAREI), Guyana Livestock Development Authority (GLDA), Guyana Marketing Corporation (GMC) and Mahaica/Mahaicony/Abary Agricultural Development Authority (MMA/ADA) in this case? Could the Minister provide clarity as to whether this NAREI and GLDA assistance is in relation to the recently passed Bills?

The Minister of Transport and Hydraulics [Mr. R. Benn]: Mr. Chairman, the nature of the assistance is to support farmers in respect of crop and related failures from the La Nina situation we have just passed through. In respect of NAREI, they intend to hand out to farmers in Mahaica various forms of assistance, including payments for seeds in the amount of approximately \$8.5 million. For the Guyana Livestock Development Authority, there are payments required for drugs and various other medicines such as penicillin, phenylbutasine, Zylin, Hydrogen Peroxide and a long list of chemicals mostly provided by local suppliers. There is also payments for various types of seeds: cucumber, ochra, celery, pak choi, sweet peppers, watermelon and such like which is intended to make sure that there is continued food security. There is an intervention for fuel and lubricants and an allocation for bulldozers. The total sum anticipated is \$546 million. Yes, the organisations which have been set up, even recently, are the ones which will be responsible for making sure that the farmers who need this assistance will get the appropriate assistance.

Mr. M. Williams: In light of what he just reported, could the Hon. Minister say what criteria was used to determine which households and, particularly, which farmers would benefit from this intervention.

Secondly, could the Hon. Minister clarify whether any of this sum voted here has to do, specifically, with giving life to the recently passed Bills which deals with seed protection, plant protection and animal protection. Because they are separate issues and if it is that these agencies are handling these moneys, first of all, clarify for us, please, the criteria for the farmers to get this assistance and, secondly, how much of this money voted to each of these agencies will go directly to support the new mandates given to these entities.

Mr. Benn: Mr. Chairman, the criteria are developed as per normal and I did say that in the respect of NAREI, it was payments intended for farmers on the Mahaica Creek who were flooded out recently. The determinations based on the assessments which were conducted by the technical personnel, identified, specifically, those farmers, what were their crop and livestock loses, and what assistance or help they should have to be able to re-start their production. The criteria have not changed. It is the normal assessments which have been made by the technical people, which have been fed into the information that we are responding to.

In respect to the issues of seeds and the recent Bills that we have passed, the interventions, of course, will give impetus to the organisations which have just been set up. They have the responsibilities of giving out the materials and, of course, the considerations under the recent Bills which were passed in the house would be taken into consideration.

Mr. M. Williams: To make it easy, could the Hon. Minister provide for us, by the next Sitting, a list of the criteria, the manner in which the disbursement of assistance will be done, and the time and place, so that I could, at least, be present at one or two of disbursement exercise.

Thank you

Mr. Benn: Yes, Mr. Chairman, I can provide that information. I suppose the Hon. Minister wants to help in the disbursement of this much needed assistance to our farmers.

Mrs. Holder. Thank you very much, Mr. Chairman. I would like to direct this question to the Hon. Minister who is standing in for the Minister of Agriculture. Some farmers have told us that they have already begun to receive some of these subsidies. Is this then an additional provision for additional subsidies?

Mr. Benn: Mr. Chairman, these relate to advances which were made. These are ongoing disbursement being made and for acquisition and procurement of materials which are needed for the intervention.

Programme 211 – Ministry Administration – \$35,974,300 agreed to and ordered to stand part of the Estimates.

Capital Expenditure

Agency 01 – Office of the President

Programme 011 – Head Office Administration - \$11,022,824

Mr. Corbin: This amount of \$11 million is rivaling closely the original amount of \$15 million which was originally voted. Having regard to the fact that this security project must have undergone some obvious...

Mr. Chairman: Enhancements.

Mr. Corbin: No, it is not enhancement. ...preparatory study of what the requirements was... the needs of the security plan...Could we have an explanation of what is responsible for this escalation in cost of the project and whether this relates to the original project or to the other project which we have, somehow, learnt of through the media through the Head of the Presidential Secretariat? The Government is putting security cameras all over the country to monitor the movement of the citizens. [**Member:** Are you worried?] I am not worried but I think this National Assembly that is approving money ought to be aware of what is being done. Security cameras are not new. That is how they were able to find the bombers in the United Kingdom (U.K). I am not questioning the need for a State to have security arrangements. I am questioning the transparency. The fact is that this Parliament that is allocating the money needs to know what is being done. As it is here, we need some explanations on what is the responsible for such a large escalation. What is the expansion about?

The Minister within the Ministry of Finance [Ms. J. Webster]: Mr. Chairman, in response to the Hon. Member's question, the sum being requested here is to facilitate the procurement of equipment required for the Closed Circuit Television (CCTV) which is being installed around the country. That is what it is for. It is for the equipment required for this project. I think that I have clarified what the Hon. Member wants to know.

Mr. Corbin: Is there a Project Profile for this plan? You said that CCTV is being installed around the country. Could the Hon. Minister explain to us what this project, that we really know nothing of, is about? We never even heard a presentation in this National Assembly about it.

Ms. Webster: Mr. Chairman, I think this is for the installation of security cameras.

Mr. Corbin: I have a supplementary question. If this is a matter that relates to security - we have now heard this - would this not be an item that should be reflected in the Ministry of Home Affairs' budget? Or, is there some other agency that operates out of the Office of the President? This is security and, as I understand it, the Guyana Police Force is the agency that has been allocated responsibility for internal security. I am a little puzzled as to the location of these resources.

Mr. Chairman: Do you wish to comment on that Hon. Member?

Ms. Webster: No, Mr. Chairman.

Mrs. Holder: I want to put a direct question to the Hon. Minister. Would any of the equipment be specifically allocated to the new CIA - the new spy agency? That is my specific question. Will any of the equipment being purchased be allocated to the spy agency?

Ms. Webster: Mr. Chairman, I do not know of any spy agency. I know the equipment is being procured for the installation of the CCTV – the electronic security system.

Programme 011 – Head Office Administration - \$11,022,824 agreed to and ordered to stand part of the Estimates.

Agency 21 – Ministry of Agriculture

Programme 211 – Ministry Administration - \$500,000,000.

Mr. M. Williams: Could the Hon. Minister say what type of consultancy service is needed with respect to what project or projects and how much of this sum is allocated for that purpose specifically?

Mr. Benn: Mr. Chairman, in respect of the consultancy service, I do not have the specific detail at the moment but recent surveys have been concluded over the conservancy and these are the evaluation of the results of these surveys in terms of the lieder which relates to this activity. I could get the specific information and details that the Hon. Member is requiring.

Mr. M. Williams: Mr. Chairman, could the Hon. Minister tell this National Assembly whether it is true that a large percentage of this \$500,000,000 million is actually funding to support the Hope Canal fund that is not included in the Remarks Column.

Mr. Benn: Mr. Chairman, if we pay some attention to the document, it speaks to the acquisition of excavators specifically for the Aurora Land Development Project with to the \$500,000,000 million. A number of excavators are being procured for this project.

Mr. Carberry: Mr. Chairman, I am getting the impression that the National Budget for 2011 is being presented in installments. And what we are seeing as installment no. 1 - maybe, there is a lay-away plan somewhere. If I look at the Project Profile that applies to this, which is Project Profile NO.66, it envisages the purchase of excavators. We have here allocation for the purchase of excavators and this is apart from consultancy services and so forth. One would have expected that this purchase of excavators, as envisaged in the Project Profile, would have been reflected in the National Budget. However, we now have a big chunk of half a billion dollars being requested for excavators. Could the Minister provide us with a breakdown showing exactly how much of this money is for consultancy services, how much is for the drainage and irrigation work and how much is for the excavators?

Mr. Benn: Mr. Chairman, I did say that I would provide further details and let me say that there is no lay-away plan. A lay-away plan may suggest that prudence again is being affected in relation to how we spend our moneys. The budget and the current requisitions being sought relate to exhaustive iterations to find the best way of spending public funds. That is what it is about.

Mrs. D. Backer: A supplementary question will most probably put this matter to rest. Is the Minister in a position to tell this House what is the cost of each of the four excavators or collectively, what is the cost of all four of the excavators? Is he on a position to tell us that? I am just asking about the excavators.

Mr. Benn: Mr. Chairman, I did say that I would provide the details. Some of these things are out under tender.

Mrs. Backer: Is the Hon. Minister saying that he cannot tell this House what is the cost of the consultancy, what is the cost of the drainage and irrigation and what is the cost of the excavators? Is he not in a position to answer any of those three questions?

Mr. Benn: Mr. Chairman, I will repeat it again. I will provide the details being sought by the Hon. Members in due course.

Mr. M. Williams: Mr. Chairman, with respect to the \$10 million provision of assistance to farmers and households in Regions 2, 3, 4, 5 and 6, there is also provision in the Current

Estimates that we just went through. In answering questions in respect of the Current Estimates, the Hon. Minister spoke of bulldozers and such like. Could the Hon. Minister now say with respect to this \$10 million for provision of assistance to farmers, what form is this going to take and who or which agency will be responsible for disbursement of this \$10 million?

Mr. Benn: Mr. Chairman, it is for support for drainage and irrigation. We did have estimations and projection for what would be needed for Drainage and Irrigation (D&I) support. This is additional funds being sought for tools and the various equipment for persons who are doing D&I throughout the country and the responsible agency is the National Drainage and Irrigation Authority (NDIA).

Mr. M. Williams: Mr. Chairman, let me just read what is in the Remarks Column for the Hon. Minister:-

“Provision for assistance to farmers and households in Regions 2, 3, 4, 5 and who were affected by the La Nina weather conditions.”

In view of what I just read, could the Hon. Minister clarify for us the issue of procurement of tools for persons doing D&I work, as opposed to what is stated here in the Remarks Column as the intention behind the spending of this \$10 million.

Mr. Benn: Mr. Chairman, I repeat that tools and other pieces of equipment and various forms of assistance are being provided additionally to person in Regions 2, 3, 4, 5 and 6 who are affected by the excessive La Nina conditions we have experienced.

Mr. M. Williams: Is the Minister saying that they are buying tools and giving them to the farmers? Is that exactly what he is saying? Or is it that they are giving tools to the farmers to work with the National Drainage and Irrigation Authority?

3.08 p.m RD

FINANCIAL PAPER No. 2/2011

Mr. Singh: Mr. Chairman I should in fact first signify that Cabinet has recommended that the National Assembly consider the motion for the approval of the proposals set out in both

Financial Papers No. 1 and No. 2, Supplementary Estimates for the period ended 31st December 2011. I now move the motion that both papers be considered.

ITEM 1 02-021 OFFICE OF THE PRIME MINISTER – PRIME MINISTER’S SECRETARIAT, ELECTRIFICATION PROGRAMME – 3,876,136,969

Mr. Carberry: Mr. Chairman, this is a situation here where I wonder whether the Hon. Minister responsible recognizes that the Electricity Sector Reform Bill requires the provision of a sustainable programme, a five year sustainable programme for the supply of electricity.. I am talking about Section 38 of the Electricity Sector Reform Bill. We have had a situation whereby every year we are subjected to a feast of blackouts and then afterwards we are told new equipment is being bought. If we look at the figures, in 1994 an 11 megawatt Wartsila generator set was bought for \$11 million. I am now talking about the Georgetown system. In 1996 another \$11 million Wartsila generator was bought. In 1997 a 22 megawatt Wartsila generator set was bought for \$22 million. In 2009 a 20.7 megawatt set was bought for \$27 million and we know that in 2010 a set was bought. Now we are told that in 2011 another 15.6 megawatt plant will be bought. GPL is supposed to tell the Government firstly what the forecasts are in terms of demand for electricity over the five year period. Let us take the five years that have finished in 2010, what was the forecast? Having forecasted that demand, they ought to say or are compelled by the law to say what steps they will take to satisfy that demand. Therefore, for us to be told in 2011 that this 15.6 megawatt plant will suddenly bring comfort according to the Ministers words, I find very discomfoting. We have not yet seen the forecast that GPL has for the demand for electricity.

Mr. Chairman: I suppose that you are going to conclude at some point with the question Hon. Member.

Mr. Carberry: Yes. I know that the Finance Minister in his budget did say that they are buying a new generator set; he said it in his budget. Therefore I do not know whether this \$3.8 billion – I am assuming that I am reading it correctly – is now for this set that was mentioned in the budget, or whether or not there was another set that was included in the budget. I would like to know Sir.

Mr. Chairman: Hon. Member if the Hon. Prime Minister was here I am sure – I do not know how the Hon. Member will answer the question that you have proposed – he would have said

that the economy is growing so rapidly and the demand is increasing which such speed that it is impossible to have a plan or to predict.

Mr. Benn: Thank you Mr. Chairman. On behalf of the Hon. Prime Minister it is exactly so. It is not only that the demand has been faster than expected. The demand is outstripping the supply of power. The cost of operating the system has grown. We have had over the period that has been extended, an increase in the unreliability and the availability of the installed capacity. Some of the engines are now beyond their useful life and we are looking towards savings by moving from Light Fuel Oil (LFO) engines to the Heavy Fuel Oil (HFO) systems in the form of these Wartsila plants. If I could support the requisition as I intend to do, we are seeking from Parliament \$3.8 billion as a loan from the Government to GPL. The balance of the \$4 billion will be sourced from GPL's internal funds. Out of this total funding there is an US \$ 18.4 million turnkey contract to Wartsila which is now the standard in terms of the HFO systems that we are installing. The necessity of the advance to GPL is a resultant of the situation which we all know very well which is unfolding daily in the Middle East. Oil prices have jumped 40% over the past six or eight months. As a result of that situation the oil peaked at US \$ 113 per barrel. It has currently dropped down marginally to US \$ 102 per barrel. The budget for GPL was premised on US \$ 83 per barrel. This is the reality that we are in, and we have to respond to situations to things which would happen which are absolutely beyond our control, that is why this type of intervention is being requested. The support is being sought by GPL. The two units are being emplaced at the current time, and I think by the end of August or early September we should be having improvement in the fuel supply.

Let me repeat that it is not only the fact that the power demand has risen, but the profile of usage by the consumer has changed. We all have more and more utilities in our house generally. Average families have more appliances, washing machines and water pumps also and all the other things which go towards having a good modern comfortable life that we want for all Guyanese families; it is happening as we speak. This is why intervention is being sought.

Mr. Carberry: Mr. Chairman I am impressed by the agility of mind of the presidential candidates in terms of helping the Minister to answer my question. The point is that GPL is expected to forecast electricity demand. If GPL is forecasting electricity demand is must take into consideration growths in the economy etcetera. What I would like the Minister to tell us is

what GPL's forecast for the demand for electricity is in 2011? What is the expected demand for electricity in 2011? Secondly, could the Minister tell us what is the functioning installed generating capacity of GPL at this particular point in time, and how much of that installed capacity is based on the use of heavy fuel oil? I will be very happy if he can tell us that.

Mr. Benn: Mr. Chairman, again the Hon. Gentleman on that side are requesting levels of information that requires much more research or work than we could provide. At the moment the installed capacity is 118 megawatts, that is the nameplate capacity. The capacity that we have at the moment that is online and reliable to some extent is 82 megawatts. The real problem for GPL as I was pointing out has to do more with the scheduling of its cash flow and the interventions to keep its operations going and to keep this 82 megawatts going at the current time. At the moment the peak evening loads stand between 72 and 75 megawatts. So we have the installed capacity of 82 megawatts which is able to respond to that demand. They would be adequate enough if they were all reliable. So, the intervention is to improve the reliability and to respond to the costing in respect to light fuel oil versus the use of heavy fuel oil, and to have overall a reliable and compatible set of equipment in form of the Wartsila generating sets.

Mr. Carberry: Perhaps, Mr. Chairman I could remind the Minister that I asked how much of the installed capacity is using heavy fuel oil. I also asked him to tell us what GPL's forecast of electricity demand is in 2011.

Mr. Benn: Mr. Chairman, if I recall off the top the growth has been about five to seven percent per year. The actual operating capacity at the moment of 82 megawatts would suffice, but as I said it is unreliable to a great extent. The issue of what percentage of it is in respect of heavy fuel oil Wartsila plant I would have to provide the Hon. Member with that information afterwards.

Mr. Carberry: Minister you still have not said what is the forecasted demand for electricity is in 2011.

Mr. Benn: Mr. Chairman, I thought that the Hon. Member would have understood when I said that when our 82 megawatts are operating the peak is about 72 to 75 megawatts. That is the demand; it would not necessarily go beyond 80 megawatts for this year even with the uninstalled capacity. The question is the reliability. I am told here that the average demand that they

projected is 64.7 megawatts. I need us to pay attention to the peak. It is 54.7 megawatts on the Wartsila.

Mr. Carberry: 64?

Mr. Benn: 64.7 megawatts installed Wartsilla.

Mr. Carberry: Mr. Chairman could the Minister tell us whether this peak demand which he is talking about excludes the self generation of electricity by businesses in Guyana.

Mr. Benn: Yes Mr. Chairman, this relates to the demand at GPL's units and grit.

Mr. Carberry: In which case Mr. Chairman, the Minister needs to be reminded that GPL was supposed to operate in a manner that reduced the need of self generation.

Mr. Benn: Mr. Speaker, GPL will certainly arrive at that point as we continue to make these investments.

Item 1, 02-021 Office of the Prime Minister – Prime Minister's Secretariat, Electrification Programme – 3,876,845,000 agreed to and ordered to stand part of the Schedule.

ITEM 2 31-312 MINISTRY OF PUBLIC WORKS AND COMMUNICATION – PUBLIC WORKS, HIGHWAY IMPROVEMENT EAST COAST DEMERARA – 400,000,000

Mr. Carberry: Mr. Chairman the project profile 107 states: this project entails provisions for feasibility study, environmental study, and design for a four way highway from Better Hoop to Golden Grove; that is what the project profile says. This supplementary says "provision for proprietary earth works for widening of the four lane highway", I presume Mr. Minister that the feasibility study has been completed and on the basis of the feasibility study you are now moving to the next phase, is that what you are saying?

Mr. Benn: Mr. Chairman, the engineer's surveys and studies for this project are on the way. We have finished designs for this project, the improvement of the East Coast Public Road from Better Hope to Golden Grove. What we need to be able to do quickly, which is an ongoing problem, is to bring properly under our control and avoid further cost in relation to encumbrances such as the filling of the lands and the canals and the relocation of the canals to

have this project in such a position that we do not have additional cost. The request is being made which relates to excavation and land filling, the relocation of utilities and the beginning of construction of concrete drains. We are looking at the first phase of this four lane highway improvement, moving as I said in the first phase, from Better Hope to Buxton in the first instance. It is being allotted out in five units. Really the intention is to make sure that we do all the proprietary works because we have to in any even fill the canals which we are eroding, do work with respect to the drains and the utilities so that we are in a good condition to continue this project.

Mrs. Holder: Thank you Mr. Chairman. I would like to direct the Hon. Minister's attention to the modus operandi likely to be implied when constructing the road. Where you give any consideration to the convenience of the public, give me a sense of how you are going to deal with that. It is a very important roadway and there is no alternative, what times are you likely to let the road become impassable?

Mr. Benn: Mr. Chairman there is indeed some alternative. The embankment will be used in respect of by-passing some of the traffic. The first detail looks at the designs and suggests that on the northern side of the highway which exists at the moment will be the area mostly widened. Persons on those sides would be mostly discommoded and discomforted as we go along, in respect of their access to the highway. What we are doing is an improvement, so there will be an exponential improvement in terms of the Highway at the end of day. We think the public would be forgiving enough and understanding enough as we go along in terms of these improvement works.

Item 2 31-312 Ministry of Public Works and Communication – Public Works, Highway Improvement East Coast Demerara – 400,000,000 agreed to and ordered to stand part of the Schedule

Mr. Chairman: That brings us to the end of both papers Hon. Members. Let the Assembly resume please.

Sitting resumed

Dr. Singh: Mr. Speaker I beg to report that the Committee of Supply has approved the proposals set out in Financial Papers No. 1 and 2 of 2011 and I now move that the Assembly doth agree with the Committee in the relevant resolution.

Question put and agreed

Motion Carried

Mr. Speaker: Hon. Member we will not turn to the Appropriation Bill. I will just ask for your patience, we have to go through all three stages at once. The Hon. Minister moved the motion to suspend the Standing Orders to deal with it. I omitted to put that motion. With your permission we will include in the record the appropriate time that the motion was put and approved by the House. I call on the Minister to present the Bill and ask that it be read.

Dr. Singh: Mr. Speaker in accordance with Paragraph 2 of Article 171 of the Constitution I signify that Cabinet has recommended the Supplementary Appropriation No. 1 for 2011, Bill No. 9 of 2011 for consideration of the National Assembly and I now present the Bill to the Assembly and move that it be read for the first time.

Question put and agreed to

Bill read a first time

Dr. Singh: Mr. Speaker I move that the Supplementary Appropriation No. 1 for 2011, Bill No. 9 of 2011 be read the second time.

Question put and agreed to

Bill read a second time

Dr. Singh: Mr. Speaker I move that the Supplementary Appropriation No. 1 for 2011, Bill No. 9 of 2011 be read the third time and be passed as printed.

Question put and agreed to

Bill read a third time

Mr. Speaker: Thank you very much. Hon. Member we can now move to the adoption of the Children Amendment Bill No. 8 of 2011.

BILLS – SECOND READING

ADOPTION OF CHILDREN (AMENDMENT) BILL 2011 – BILL NO. 8/2011

A BILL intituled:

“AN ACT to amend the Adoption of Children Act 2009”

[Minister of Human Services and Social Security]

Minister of Human Services and Social Security [Ms. Manickchand]: May it please you Sir. I rise this afternoon to complete a very simple matter. Before us is the Adoption of Children (Amendment) Bill No. 8 of 2011. You would recall that No. 6 of 2009 the Adoption of Children Bill was published on the 27th of January 2009 and read for the first time in this House on the 29th of January 2009 after which it was sent to a Special Select Committee which considered the clauses in that Bill and after deliberations and recommendations, put forward to this House a report that contained what we wanted to be in the clause of that Bill. That Bill was Act No. 18 of 2009; it became an Act when the president assented to it on October 26th 2009.

Since then this Act has been used almost daily by legal practitioners and citizens of this great land of ours. It has served many families, particularly our orphans and vulnerable children. Through its usage we have discovered that despite the deliberations made at the Special Select Committee and despite the best efforts put forward there must have been typographical errors made in the Bill and perhaps some slight overlooking of what we intended to do. We have before you here Mr. Speaker a twelve clause amendment Bill that seeks to amend that original Act.

Clause 2, 3, and 4 really just seeks to allow the adoption agency to regulate its procedures in accordance with prescribed regulation as opposed to rules made by the rules making committee. Clauses 6, 7, 9 and 12 attempts to vest control or responsibility in the Childcare and Protection Agency as opposed to the adoption board. The other Clauses just seek to change a word that was left out or not included. For example, clause 8 seeks to insert the word “*not*” after the word “*shall*”, so we make the sentence read differently. Clause 8 seeks to amend the original section

21 of the Act to state that the Court may dispense with consent of a man who was married to the mother of a child when that child was born, or to dispense with consent if someone who is obligated to maintain a child is not maintaining that child. Nothing changes policy wise through this amendment. I believe the House will have absolutely no hesitation in commending this amendment for passage into law. I think you Sir. [Applause]

Ms. Sampson: Mr. Speaker, the Adoption of Children Bill 2009, Bill No. 6 of 2009 was read for the first time in the National Assembly on the 29th of January 2009 and then committed to a Special Select Committee. The Report of this Committee was presented to the House on the 7th May 2009. According to my colleague Ms. Clarissa Reihl who served on that Select Committee and I quote from the Hansard, “This particular Bill was subject to a lot of amendments to bring it up to scratch. Some amendments were minor and some were major, but by and large we agreed to the principles that were adumbrated in the Bill”. After spending three months in Special Select Committee the Bill was passed in the National Assembly on the 21st of May 2009 and assented to by the President on the 26th of October 2009. The PNCR-1G supported the passage of the Bill in 2009 and on this side of the House we acknowledge its usefulness in providing a service to the child who is being adopted.

3.38 p.m.

This is a fairly new Act in force for about two years, but today it has come before us with so many amendments. Bill No. 8 of 2011, Adoption of Children (Amendment) Bill 2011, has come to this House today with amendments to twelve sections of the Act No. 18 of 2009, the Adoption of Children Act 2009. Why were so many amendments overlooked? Was the cart put before the horse? Did we run off too quickly with the finished product thus missing some areas, hence the amendments today? Or was it, because the Chairperson of the Special Select Committee was accused of railroading the Bill through this Committee that the amendments were missed.

We have to be very careful, for any slips we make could cause those unfortunate children out there great pain.

The first five changes proposed have now used the correct terminology, a form of tidying up for those affected sections. When we come to the sixth amendment which deals with section 10:02 of the principal Act, one realises that this explanation was certainly needed. If this amendment

was not made, the future of the child would have been in limbo, having been returned to the agency. The amendments now set out clearly the steps to be taken in rescinding such a decision to adopt. This is a welcome elaboration.

It is noted that the amendments proposed in sections 11(2), 26 (2), 47(2)(d) and (e), where the word “*board*” is substituted with the word “*agency*”, the powers of the Adoption Board, a supposed impartial Body, have been removed and given to the Child Protection Agency which comes under the purview of the Minister. I repeat: we removed the powers of the Adoption Board and put it under the agency which comes under the purview of the Minister.

You see, during the debate about two years ago, it was Mrs Riehl, my colleague from this side of the House, who spoke to the fact that the Adoption Board and the Child Protection Agency would work in conjunction with each other. One can only hope that now we are removing this, it does not cause any conflict of interest, and that the officers within the agency function within the required guidelines.

The amendment to section 21 expands the preamble, thus elaborating the types of people eligible to act on the child’s behalf.

The insertion of clause 33(3) of the principal Act certainly clears up the interpretation as to which 21 and 22 the Act refers to.

These minor amendments do make the interpretation of the Act much clearer and as such we support it. The PNCR-1G, again thank the women lawyers who did the bulk of the work and the research, along with the experts from overseas, so that this progressive piece of legislation could be enacted.

We of the PNCR-1G call on those who would be integrally involved in the adoption process of any child to be very careful in adhering to the regulations. We ask them to remember that any slips, any mistakes, any shortcuts, could cause harm to those children. You see, one of my colleagues, through an early intervention, was able to have a child who was taken from her grandmother re-united with the family, thus barely saving the proposed adoption without consent. Officers of the same Child Protection Agency were involved. Let us follow the outlined

procedures and all will benefit, bearing in mind that in any adoption process the welfare of the child is of paramount importance. Thank you. [Applause]

Mrs. Budhan: Mr. Speaker, the Adoption of Children (Amendment) Bill 2011 amends the recently passed Adoption of Children Act 2009. With minor corrections it is not changing the clauses of the 2009 Adoption Act in any way. This amendment just clearly reflects, so it can be easily adopted and used. The Alliance For Change is supporting these amendments as they are necessary for the Bill. Thank you. [Applause]

Ms. Manickchand (replying): Sir, I appreciate the wholehearted adoption of the amendments from the A.F.C. On the Special Select Committee that considered the Adoption of Children Bill sat Mrs. Clarissa Riehl, Mrs. Volda Lawrence and Mr. Mervyn Williams along with Mrs. Latchmin Punalall, Rev. Kwame Gilbert, Mr. Mohamed Khan, Mrs. Shirley Edwards, Hon. and now deceased Desrey Fox, Dr. Frank Anthony, and I chaired the committee. If it were not for the dishonesty contained in those fulminations I would be amused. But at no stage on the record at the Special Select Committee or in this House was there ever an accusation against me, against the People's Progressive Party or against the Special Select Committee that we were railroading the legislation through the National Assembly, as was just represented by the Hon. Member of the P.N.C.R, Cheryl Sampson. In fact Mrs. Clarissa Riehl to this Hon. House had said she commended the work of the Committee, she commended the wisdom I had employed as Chairperson in getting the expertise of the very many people that we sought to consult with at various stages of the Committee.

I have heard that there is great division in that Party. Perhaps, today, what we see is a tangible splitting down the middle – one side saying something and the other side having said something else on record.

I wish to quote Mrs. Clarissa Riehl in the National Assembly. And I am quoting from no lesser document than the National Assembly's Hansard of 21st May, 2009. This is what the representative of the PNCR-1G said on that day

“...this particular Bill was subject to a lot of amendments to bring it up to scratch. Some of the amendments were minor, some were major, but by and large we agree generally with the principles adumbrated in this Bill.”

Where was the P.N.C.R sitting when these mistakes were made? I am coming to this National Assembly and I am saying as a Body at the Special Select Committee - many of us on the Committee were lawyers - we made some mistakes. Some of these mistakes were literally words. By way of explanation, - the Hon. Member has missed it completely, perhaps because of a lack of training. I would recommend that the same lawyer she congratulated advise her.

Let me give you a history of this. The children's Bills were in draft for ten years, a decade. They were being drafted by the Guyana Association of Women Lawyers.

Mr. Speaker: Could you please allow the Hon. Member to finish without interrupting. You are having a running commentary.

Mrs. Backer: I do apologise.

Ms. Manickchand: Sir, after lots of consultations around Guyana, with an interest in looking after the Nation's children, the People Progressive Party Civic said in 2001 in our Manifesto that we were going to establish a Childcare and Protection Agency. The way we sought to do that, as the Hon. Member might be advised, and as I wish to advise the P.N.C.R this afternoon, was to through statute create and establish a Childcare and Protection Agency. The drafters, thereafter, were asked to formulate the Bill, revise the Bill, taking into consideration that in January 2009, we brought to the National Assembly a Childcare and Protection Agency Bill which became law. After that Bill became law and that Agency was launched formally in July 2009 we had to revise all the legislation to ensure there was compliance with this statutory Body. Nothing is supplanting, the statutory body is not supplanting what the Adoption Board did. It was the P.N.C.R who came here and supported the passage into law of the Childcare and Protection Agency Bill. Now if they had read that they would know that these are functions and agencies of that statutorily created agency, as a result of which there are changes to be made in the Adoption of Children Act.

Prior to 2009 when we passed the Adoption of Children Act in this National Assembly, the one that we seek to amend this afternoon - sensibly and necessarily - we had Chapter 46:04, our Adoption of Children Act. That Act was enacted on 3rd August, 1957 and never again amended, even though there were tons of loopholes. For example, there was no appeal procedure provided for, so nobody could appeal an adoption.

We have found after usage of this piece of legislation every single day in the High Court that there is need to amend it. We come here unapologetically, serving the children of Guyana with these amendments. We are happy to bring them. And I say, if next week another lawyer is using the law and the court says: ‘*a particular paragraph or section is unclear*’, we will come back and amend it. That stands for all the laws we pass in this National Assembly.

I ask that the amendments be adopted and that this Bill be read for a second time.

Question was put and carried

Bill read a second time

Assembly in Committee

Clauses 1 to 12

Clauses 1 to 12, as printed, agreed to and ordered to stand as part of the

Assembly resumed

Bill reported without amendments read the third time and passed as printed.

Mr. Speaker: Hon. Members that brings us to the end of our business for today. Before we conclude I would like to remind Members of the Special Select Committee on the Consumer Affairs Bill that we have a meeting immediately hereafter for the purpose of electing a chairperson.

Mr. Carberry: Mr. Speaker, I just had a look at the report of the committee of selection and there is an error. We have two Williams; one is Mervyn and the other Basil.

Mr. Speaker: Somebody made a mistake with Mr. Basil Williams? That’s impossible. We will have to inspect our procedures carefully.

Mr. Carberry: For this particular committee it will be Mervyn Williams.

Mr. Speaker: And we put Basil instead?

Mr. Carberry: Yes.

Mr. Speaker: We will correct that.

Mr. Carberry: I know you would like to tax him, but the point is it is not Basil.

Mr. Speaker: We can't afford such mistakes with Mr. Basil Williams. I beg your pardon Mr. Mervyn Williams. We will correct that Mr. Carberry.

The Members of the Consumer Affairs Bill are: Hon. Members Manniram Prashaud, Pauline Sukhai, Manzoor Nadir, Jennifer Webster, Kellawan Lall, Dharamkumar Seeraj, Clarissa Riehl, Mervyn Williams and Joan Baveghems. We will meet immediately after we conclude.

Sorry, there is another committee meeting, the *Political Affairs Campaign Financing Committee*. We will immediately do one after the other. You can all come into my room at the same time if you can fit. The Members are: Hon. Members Irfaan Ali, Manzoor Nadir, Leslie Ramsammy, Gail Teixeira, Mohabir Nandlall, Odinga Lumumba, Deborah Backer, John Austin and Basil Williams. These two committees are going to meet immediately after.

Adjournment

Mr. Rohee: Mr. Speaker, I wish to move that the House stands adjourned to a date to be fixed.

Mr. Speaker: Hon. Members the House is adjourned to a date to be fixed.

Thank you very much.

Sitting adjourned accordingly at 3.54